DETAILED ACTION

This Office Action is in response to amendment filed February 10, 2010. Claims 1-30 are presented for further examination.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 11-20 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385.

3. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The method including steps of encoding, breaking the string of data into packets, decoding, and processing are broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

4. Claims 21-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants' specification (page 8, lines 10-12 discloses "Such instructions may be read into the memory from other computer-

readable medium such as data storage devices or from the network ". This language is broad enough and may include both transitory and non-transitory media.

5. A claim drawn to such a computer-readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7, 10-17, 20-27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiigi (US Patent Application Publication 2009/0164595 A1) in view of Matthews et al. (hereinafter "Matthews", US Patent 6,704,493 B1).

As per claims 1, 11, and 21, Shiigi discloses an apparatus, method, and computer program product comprising:

an encoder to encode data in a first format from an input device into a string of data having a second format supported by a server having an infrastructure, the first format and second format being different (paragraphs [0031, 0033]);

a packetizer coupled to the encoder to break the string of data into packets no larger than maximum message size allowed by the infrastructure (paragraphs [0031, 0040); a decoder to decode a received packet encoded in the second format back into the data having the first format (paragraphs [0031, 0033]) .

Shiigi does not explicitly disclose:

the packets having at least one packet having a header, the header identifying the first format.

However, in an analogous art, Matthews teaches a system that accepts different types of signal data from multiple sources, convert them into a common or desired format, packetize the converted signals into packets including a header having identifying information such as the original format (its type, resolution, aspect ratio) (Abstract, paragraph 4, lines 46-55).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Matthews's header identifying the first format in Shiigi's system enabling each signal to be subsequently retrieved for playback or display.

.As per claims 2, 12, 22, Shiigi discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the decoder comprises a detector to detect the second format and a converter to convert the string of data back into the data having the first format (paragraphs [0031, 0033]).

As per claims 3, 13, 23, Shiigi discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the at least one packet is transmitted to the sever supporting the second format (paragraph [0033]).

As per claims 4, 14, and 24, Shiigi discloses the apparatus, method, and computer program product of claims 3, 13, 23 wherein the network comprises an instant messaging (IM) infrastructure (paragraphs [0021, 0045-0046]).

As per claims 5, 15, 25, Shiigi discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the second format is an American Standard Code of Information Interchange (ASCII) format (paragraph [0031]).

As per claims 6, 16, 26, Shiigi, discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the data having the first format is ink input data (paragraph [0008], Abstract).

As per claims 7, 17, 27, Shiigi discloses the apparatus, method, and computer program product of claims 6, 16, 26 wherein the ink input data is obtained from is one of a touch-screen, a digitizer, a tablet, and a mouse (paragraph [0008, 0024], Abstract).

As per claims 10, 20, 30, Shiigi disclose the apparatus, method, and computer program product of claims 8, 18, 28 further comprising an interface layer coupled to the

packetizer to process the at least one packet into one of an instant messaging, a chat message, and an email message (paragraphs [0045, 0055]).

3. Claims 8-9, 18-19, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiigi (US Patent Application Publication 2009/0164595 A1) in view of Matthews et al. (hereinafter "Matthews", US Patent 6,704,493 B1) and in further view of Lewis et al. (hereinafter "Lewis", US Patent Publication 2001/0053978 A1).

As per claims 8, 18, 28, Shiigi discloses an apparatus, method, and computer program product comprising:

an encoder to encode data in a first format from an input device into a string of data having a second format supported by a server having an infrastructure, the first format and second format being different (paragraphs [0002, 0006-0007, 0009]);

a packetizer coupled to the encoder to break the string of data into packets no larger than maximum message size allowed by the infrastructure (paragraphs [0031, 0040);

a management layer coupled to the packetizer to process the packetized string of data using a processing function, the management layer processing a received packet having data encoded in the second format (paragraphs [0012, 0031, 0033]).

Shiigi does not explicitly disclose:

the packets having at least one packet having a header, the header identifying the first format.

However, in an analogous art, Matthews teaches a system that accepts different types of signal data from multiple sources, convert them into a common or desired format, packetize the converted signals into packets including a header having identifying information such as the original format (its type, resolution, aspect ratio) (Abstract, paragraph 4, lines 46-55).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Matthews's header identifying the first format in Shiigi's system enabling each signal to be subsequently retrieved for playback or display.

Shiigi, in view of Matthews, does not explicitly disclose:

the processing function being enabled or disabled using a configuration user interface.

However, in an analogous art, Lewis discloses the user selecting one or more contraints used to decode special data. If selected, the constraint is enabled to decode special data and modify default recognition parameters (Abstract, paragraphs [0009]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Lewis's processing function being enabled or disabled using a configuration user interface in Shiigi's apparatus in order to decode special data.

As per claims 9, 19, 29, Shiigi discloses the apparatus, method, and computer program product of claims 8, 18, 28 wherein the processing function is one of smoothing

(paragraph [0049]).

Response to Arguments

The Office notes the following argument(s):

(a) Shiigi does not disclose encoding data in a first format from an input device into a string of data having a second format.

(b) Shiigi does not disclose a packetizer to break the string of data into packets no larger than maximum message size.

(c) Shiigi does not disclose the packet having a header, the header identifying the first format.

(d) Shiigi does not disclose converting the second format into the first format.

(e) Applicants request Examiner to explicitly identify particular elements that correspond to the first format and the second format.

(f) There is no reason to combine the Shiigi and Lewis references.

(g) Shiigi does not contain paragraphs [0058 or 0060]). Examiner is requested to review and identify correct excerpts.

(h) Lewis does not disclose allowing the user to enable or disable a processing function.

In response to:

(a) Applicant's argument filed has been fully considered but is not persuasive. Shiigi explicitly teaches the user entering handwritten or hand-drawn data through a suitable manual input device. The handwriting or hand-drawn data is the first format.

This data is shown as pixel data. The handwritten data is then encoded into and ASCII text format. This is the second format (paragraphs [0008, 0024, 0029, 0031 part (6)]). Therefore, Shiigi explicitly discloses encoding data in a first format from an input device into a string of data having a second format.

(b) Applicant's argument filed has been fully considered but is not persuasive. Shiigi teaches sending the converted ASCII text data in an email message to a recipient. Emails sent across a network are sent as packets. Because the emails are sent successfully (no errors) to the recipient, the messages meet the proper message size (paragraph [0031, parts (8) (9)]).

Therefore, Shiigi indeed teaches a packetizer to break the string of data into packets no larger than maximum message size.

(c) Applicant's argument has been considered but is moot in view of the new ground(s) of rejection.

(d) Applicant's argument filed has been fully considered but is not persuasive. Shiigi teaches the receiving server or client decoding the ASCII text (second format) data back into the pixel data as a handwritten or hand-drawn image (first format) (paragraphs [0031, parts (11b) (11c), 0037]).

Therefore, Shiigi, undoubtedly, discloses converting the second format into the first format.

(e) See responses (a) and (d) above.

(f) In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may

be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Lewis teaches a handwriting recognition system allowing users to produce handwritten records using an electronic inking stylus and digitized tablet. The user is then given the option selecting a default mode or constrained mode for decoding/processing uncharacteristic handwriting data. Therefore, Lewis's processing function being enabled or disabled using a configuration user interface would be useful in Shiigi's apparatus in order to decode special handwriting data.

(g) Correction has been made.

(h) Lewis teaches the user being given the option for selecting a default mode or constrained mode (functions) for decoding/processing uncharacteristic handwriting data. If the user chooses the default mode, the constrained mode is disabled and can not be used. If the user chooses the constrained mode, the settings of the default mode will be disabled and can not be applied to the data (paragraphs [0009, 0018, 0021-0022]). Therefore, Lewis without a doubt discloses allowing the user to enable or disable a processing function.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Barbara N Burgess/
Examiner, Art Unit 2457

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May 8, 2010

/Barbara N Burgess/
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